

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**THOMAS SCHWAB and
HELEN SCHWAB**

PLAINTIFFS

VERSUS

CIVIL ACTION NO.: 1:07cv789-LTS-RHW

**STATE FARM FIRE AND CASUALTY
COMPANY, *et al.***

DEFENDANTS

**AGREED ORDER OF DISMISSAL WITHOUT PREJUDICE
AS TO STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY ONLY**

THIS CAUSE having come on this day on the Joint Motion for Dismissal of State Farm Mutual Automobile Insurance Company and the Court, being informed that there exist no cross-claims against State Farm Mutual Automobile Insurance Company and that all parties agree to the terms of this dismissal, is of the opinion that the Joint Motion is well taken and should be granted.

IT IS THEREFORE ORDERED AND ADJUDGED that this cause should be, and the same is hereby, dismissed without prejudice as to State Farm Mutual Automobile Insurance Company only, subject to the following conditions:

- 1) Plaintiffs maintain and do not dismiss their claims against State Farm Fire and Casualty Company;
- 2) State Farm Mutual Automobile Insurance Company retains and hereby preserves its right to pursue costs and attorneys' fees under Fed. R. Civ. P. 11 and the Mississippi Litigation Accountability Act against Plaintiffs' former counsel as defined in the parties' Joint Motion. Plaintiffs' former counsel does not include Deborah R. Trotter of Merlin Law Group, P.A., against

whom State Farm Mutual will not seek fees and costs for any actions taken
prior to the dismissal without prejudice of State Farm Mutual.

SO ORDERED AND ADJUDGED this the 30th day of June, 2008.

s/ L. T. Senter, Jr.
L. T. SENTER, JR.
SENIOR JUDGE

Approved as to Form by:

s/ Deborah R. Trotter
DEBORAH R. TROTTER, MSB # 101360
Attorney for Plaintiffs

s/ Sherrie L. Moore
SHERRIE L. MOORE, MSB #10723
Attorney for Defendant, State Farm
Mutual Automobile Insurance Company

s/ H. Scot Spragins
H. SCOT SPRAGINS, MSB #7748
Attorney for Defendant State Farm Fire
and Casualty Company